UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,046	02/28/2002	Brian D. Fiut	10020057-1	6491

7590 06/21/2006

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER	
THIER, MICHAEL	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,046	FIUT ET AL.	
	Examiner	Art Unit	
	Michael T. Thier	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-27* is/are rejected.

7)☒ Claim(s) *4* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 12-13, 18, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800).

Consider claims 1-2, 12-13, 21-22. Menon teaches a method and system for monitoring a base station in a wireless communication network from a location remote to the base station, comprising acquiring at a monitoring probe arranged local to a base station measurement data for at least one network link parameter of the base station, measurement data for at least one wireless link parameter of the base station, and measurement data for at least one operational parameter of the base station (page 15, paragraphs [0224]-[0228]); and communicating the data from the monitoring probe to a processor-based device arranged remote from the base station (wireless access system 10 or 101, page 15, [0228]).

Menon does not clearly teach formatting the measurement data for the at least one network link parameter, the measurement data for the at least one wireless link parameter, and the measurement data for the at least one operational parameter into a uniform format; and communicating, in the uniform format, the data from the monitoring probe to a processor-based device arranged remote from the base station.

Johnson teaches formatting data from a variety of format into a uniform format (e.g. converting from CDR, CIBER and other formats to CCF format; column(s) 7, line(s) 1 through column(s) 8, line(s) 24) for the purpose of supporting more than one external data source (column(s) 7, line(s) 1 through column(s) 8, line(s) 24).

Consider claims 3, 18. Menon, page 33, claim 24 and page 34, claim 27 read on the limitations of claims 3, 18.

3. Claims 5-7, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Breed (5,489,914)

Consider claims 5-7, 9, 19. Menon in view of Johnson does not clearly teach antenna measurement comprises swept return loss measurement.

Breed teaches antenna measurement comprises swept return loss measurement (col. 6, ln. 65 to col. 7, ln. 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Breed into the teachings of

Menon in view of Johnson, so that multiple frequency operation is achieved without the use of reactive components or large structures.

4. Claims 8, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Mailandt et al (4,823,280).

Consider claims 8, 20. Menon in view of Johnson does not teach the measurement comprising temperature, flooding, fire, alarm, power, etc.

Mailandt teaches the measurement comprising temperature, flooding, fire, alarm, power, etc. (abstract; col. 2, ln. 3-19; col. 13, ln. 15-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mailandt into the teachings of Menon in view of Johnson in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

5. Claims 10-11, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Barshefsky et al (6,385,609).

Consider claims 10-11, 16-17. Menon in view of Johnson does not teach using a user interface for accessing the measurement data received by the processing-based device.

Barshefsky teaches using a user interface for accessing the measurement data received by the processing-based device (figs. 1 and 3, col. 3, ln. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Barshefsky into the teachings of Menon in view of Johnson in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

6. Claims 14-15, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1-3, 12-13, 18, 21-22 above, and further in view of Wiczer (US2002/0147936A1).

Consider claims 14-15, 23-24. Menon in view of Johnson does not teach the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards.

Wiczer teaches the use of Smart Transducer Interface Module (STIM), Network Capable Application Processor (NCAP) and IEEE 1451.X standards (abstract; page 1, [0003], [0013]-[0015]; page 2, [0023]-[0025]; page 2, [0028]; page 4, [0042]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Wiczer into the teachings of Menon in view of Johnson in order to provide an improved system monitor to give accurate information continuously from which soft failures can be detected and repaired prior to actual system failure, thereby reducing system down time.

7. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menon et al (US2001/0001268A1) in view of Johnson et al (5,907,800) as applied to claims 1, 12, 21 above, and further in view of Anvekar et al (US 2005/0233759).

Consider claims 25-27. Menon in view of Johnson does not teach that the uniform format is a mark-up language readable with a web browser.

Anvekar teaches that the uniform format is a mark-up language readable with a web browser (¶ 0039, 0045 and 0077) for the purpose of (e.g., with XML, customized tags and other overlay data, are added to the raw SM contents to enable value addition functions to be performed efficiently) (page(s) 3, ¶ 0045).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Anvekar into the teachings of Menon et al in view of Johnson for the purpose mentioned above.

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 04/04/2006 have been fully considered but they are not persuasive.

Applicant argues that Johnson does not teach, "formatting said measurement data...into a uniform format."

In response to applicant's arguments, the examiner respectfully disagrees. The Johnson reference teaches the idea that "...the switch interface 111 translates CDR record into a format understandable to the system 107-the CCF format-..." (column 7 lines 31-34). This citation explains that the system 107 understands the CCF format. He then teaches, "The records received from an MSC or from a roamer tape 109 are translated into a form subsequently used by the system 107 by the interface 111." As clearly explained in column 7 lines 31-33 the form subsequently used by system 107, which is translated by the interface 111, was said to be the CCF format. Therefore meaning that both the records from the MSC and the roamer tape 109, are translated to a uniform format (the CCF format).

Applicant further argues, "...the office action provides insufficient motivation to combine Menon with Johnson" and further argues "The statement of motivation is nothing more than a statement that the references could be

combined to provide some unsuggested and unknown improvement. Thus, the motivation provided...is improper."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner clearly stated that the motivation to combine was "...for the purpose of supporting more than one external data source (column 7 lines 1 through column 8 line 24)." It is easily understood that allowing the system to support more than one external data source would diversify the system, which is a clear motivation to combine the references.

Applicant further argues that the Anvekar reference is not a proper 35 U.S.C. 103 (a) reference since the filing date is June 13, 2005, while the filing date if the instant application is February 28, 2002.

In response to applicant's arguments, the examiner respectfully disagrees. The filing date of the Anvekar reference is June 13, 2005, although, it is a continuation of U.S. application number 10/027572, which has a filing date of December 20, 2001 which is earlier then the filing date of the instant application. Thus, making the reference a proper reference for a 35 U.S.C. 103 (a) rejection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael T Thier
Examiner
Art Unit 2617

6/13/2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER